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23 March 1999
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GENERAL ASSEMBLY
Fifty-third session
Agenda item 64
MAINTENANCE OF INTERNATIONAL SECURITY - PREVENTION OF THE VIOLENT DISINTEGRATION OF STATES

SECURITY COUNCIL
Fifty-fourth year

Letter dated 23 March 1999 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement issued on 20 March 1999 by the Ministry of Foreign Affairs of Belarus concerning the situation in Kosovo (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 64.

(Signed) Alyaksandr SYCHOV
Ambassador
Permanent Representative

99-08130 (E) 230399 230399

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ANNEX

Statement issued on 20 March 1999 by the Ministry of Foreign Affairs of Belarus concerning the situation in Kosovo

Belarus regrets that a constructive, mutually acceptable solution was not found during the negotiations held in France between representatives of the official Yugoslav authorities and the Kosovar Albanians. The lack of tangible results in the peace process and the instability of the situation, which is increasing as a result of continuing terrorist acts, are a source of serious concern for Belarus.

In the light of such unfavourable developments in the situation, we believe that the imposition of diktat on the internationally recognized parties to the conflict is absolutely counterproductive. At present, there are no grounds for threats of the use of military force against Yugoslavia, which is defending its sovereignty and territorial integrity and which has repeatedly demonstrated to the international community its political will to find a peaceful solution to the conflict. The use of force can complicate efforts to reach a settlement and bring about a further escalation of the crisis, with unpredictable consequences.

Belarus supports the work of the Contact Group on the former Yugoslavia, which played a key role in initiating a dialogue between the parties to the conflict, and it commends the mediation efforts of the States that have made their contribution to a political settlement of the Kosovo problem. Belarus also highly appreciates the steps being taken by the United Nations and the Organization for Security and Cooperation in Europe (OSCE) and calls for the continuation of joint international efforts to advance the peace process in the region. We look forward to the prompt resumption of the OSCE monitoring mission in Kosovo.

Belarus reaffirms its position regarding a settlement of the conflict in Kosovo, which should be based on unconditional respect for the sovereignty and territorial integrity of Yugoslavia and the non-use of force. We are convinced that only strict adherence to these principles can guarantee stable and lasting peace in Kosovo. This will also be facilitated by the prompt restoration of Yugoslavia's full membership in the family of European nations.

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23 March 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 22 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 12 March 1999 (A/53/864-S/1999/283), I have the honour to draw your attention to new violations of the national airspace of the Republic of Cyprus and of the flight information region of Nicosia by military aircraft of the Turkish Air Force, recorded on 18 March 1999.

On that day one C-160 as well as one CN-235 military aircraft of the Turkish Air Force entered the Nicosia flight information region, violating international air traffic regulations.

The aircraft in question violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, landing afterwards at the illegal airport of Tymbou in the occupied area of the Republic. On the afternoon of the same day the CN-235 departed at 1855 hours, exiting towards the Ankara flight information region.

As stated in my previous letters, these Turkish unauthorized intrusions into the Nicosia flight information region and the national airspace of the Republic of Cyprus are in violation of international air traffic rules and, at the same time, they are in contravention of the provisions of the Security Council resolutions on Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest these new provocative acts by Turkey, which constitute a further reminder of that country's blatant disregard of international law, the Charter of the United Nations and all the relevant decisions of the Organization on the question of Cyprus.

I would like, once more, to underline that the present violations occurred after the adoption of Security Council resolutions 1217 (1998) and 1218 (1998), in which the Council called upon all States to respect the sovereignty and territorial integrity of the Republic of Cyprus and to refrain from any action which might prejudice that sovereignty, independence and territorial integrity. My Government expects that the Turkish side will show compliance with the provisions of those resolutions.

Such provocative actions are not conducive to reducing tension and run counter to the initiative of the Secretary-General announced on 30 September 1998, within the framework of his mission of good offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus.

Furthermore the continuing overflights by the Turkish Air Force as well as the presence of the Turkish military occupation forces on the island, constitute the underlying causes of tension in Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) James DROUSHIOTIS
Chargé d'affaires a.i.

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23 March 1999

ORIGINAL: ENGLISH

LETTER DATED 19 MARCH 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to attach a copy of a letter dated 19 March 1999 addressed to me by Omar Mustafa Muntasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation (see annex).

I wish to confirm that, pursuant to the second paragraph of that letter, the Secretariat will initiate the necessary action with a view to effecting the transfer of the two accused to the Netherlands.

I should appreciate it if the present letter and its annex could be brought to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

99-08176 (E) 230399 230399

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Annex

[Original: Arabic]

Letter dated 19 March 1999 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya addressed to the Secretary-General

I should like to express to you the thanks and gratitude of the Libyan Arab Jamahiriya for your commendable and rapid efforts and those of Mr. Nelson Mandela, President of South Africa, His Majesty King Fahd Bin Abdul-Aziz Al Saud, Custodian of the two Holy Mosques, and His Royal Highness Crown Prince Abdullah Al Saud of the Kingdom of Saudi Arabia to find a just solution to the Lockerbie question, from which the Libyan Arab Jamahiriya has suffered for over 10 years, although it committed no wrong.

The Jamahiriya agrees that the two suspects shall appear before the court on 6 April 1999, in accordance with the points agreed on, as follows:

1. A Scottish court will be convened in the Netherlands to try the two suspects in accordance with Scottish law, pursuant to the agreement reached by the legal team, in the presence of international observers appointed by the Secretary-General of the United Nations and in consultation with the Republic of South Africa and the Kingdom of Saudi Arabia.

2. If the suspects are found guilty, they will serve their sentence in Scotland, under the supervision of the United Nations and the auspices of the Libyan Consulate in Scotland, in accordance with the arrangements agreed on with the Government of the United Kingdom.

3. The sanctions imposed on Libya will be suspended upon the arrival of the two suspects in the Netherlands. The sanctions will be lifted definitively once the Secretary-General has submitted to the Security Council within 90 days a report stating that the Jamahiriya has complied with the resolutions of the Council.

I should like to draw your attention again to the following points:

1. The Libyan Arab Jamahiriya, as it has stated on numerous occasions, is opposed to terrorism in all its forms and condemns all terrorist acts, inasmuch as it has itself been a victim of such acts which are condemned by all religions and all international and humanitarian laws.

2. The Jamahiriya undertakes to cooperate with the investigation and the proceedings within the limits permitted by the law and the legislation in force in the Great Socialist People's Libyan Arab Jamahiriya.

3. The Libyan Arab Jamahiriya reaffirms what it stated previously with regard to compensation in the event that the suspects are found guilty and a final verdict is rendered to that effect. In the light of the foregoing, therefore, it believes that the Security Council should adopt a resolution concerning such arrangements and obligations that is binding on all the parties concerned.

(Signed) Omar Mustafa MUNTASSER
Secretary of the General People's Committee
of the People's Bureau for Foreign Liaison
and International Cooperation

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23 March 1999

ORIGINAL: ENGLISH

LETTER DATED 23 MARCH 1999 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to your letter dated 19 March 1999 (S/1999/311), by which you transmitted for the attention of the members of the Security Council a copy of a letter dated 19 March 1999 addressed to you by Omar Mustafa Muntasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya.

In this connection, I have the honour to transmit herewith the text of the statement made by the President of the Security Council to the press on behalf of the members of the Council on 23 March 1999 following consultations of the whole.

(Signed) QIN Huasun
President of the Security Council

99-08182 (E) 230399

Annex

Statement made to the press on 23 March 1999

Security Council members welcomed the letter of 19 March 1999 from the Foreign Minister of the Libyan Arab Jamahiriya to the Secretary-General, indicating that the two suspects would be available for the Secretary-General to take custody of them on or before 6 April.

Security Council members reaffirmed existing Security Council resolutions as the basis for bringing about a full and final resolution of the situation.

Security Council members looked forward to the implementation of that handover in accordance with the agreed arrangements and, taking into account also the information provided by the French authorities regarding UTA 772, to the immediate suspension of sanctions with a view to lifting them as soon as circumstances permit, in accordance with relevant Security Council resolutions.

Security Council members thanked the Secretary-General for his tireless efforts in reaching an understanding with the Libyan Arab Jamahiriya on the implementation of Security Council resolution 1192 (1998), and expressed appreciation also for the positive actions taken by the Governments of South Africa, Saudi Arabia and other countries in support of these efforts.

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23 March 1999

ORIGINAL: ENGLISH

LETTER DATED 23 MARCH 1999 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to forward herewith the report of the Federal Republic of Yugoslavia on the situation in the negotiations with the Republic of Croatia on the disputed issue of Prevlaka (see annex).

I should be very grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-08188 (E) 230399

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Annex

Report of the Federal Republic of Yugoslavia on the situation in the negotiations with the Republic of Croatia on the disputed issue of Prevlaka

In accordance with paragraph 4 of Security Council resolution 1222 (1999) of 15 January 1999, a report is herewith submitted on the situation in the negotiations between the delegation of the Federal Republic of Yugoslavia and the delegation of the Republic of Croatia on the establishment of the extension of the State border between the Federal Republic of Yugoslavia and the Republic of Croatia in Sector South and the resolution of the disputed issue of Prevlaka.

At the invitation of the Yugoslav side the fourth meeting was held between the delegations of the two States in Belgrade on 9 March 1999 for the purpose of resolving the disputed issue of Prevlaka. At the meeting, the Yugoslav side reiterated its earlier protest to the Croatian side (note verbale of the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia No. 18-2/99 of 3 February 1999) following the opening of the border crossing of Debeli Brijeg. Because of a unilateral opening of the crossing in a manner with is contrary to the Agreement of the Federal Government of the Federal Republic of Yugoslavia and the Government of the Republic of Croatia Designating Border Crossings, of 15 September 1997, it was pointed out that the act of the Croatian side cannot prejudge the resolution of the disputed issue of Prevlaka, i.e., the extension of the border line between the two States in Sector South. Such act is illegal and null and void and can produce no legal effect.

At the fourth meeting, the two sides presented their ideas and argumentations on the legal foundation on which each side bases its arguments regarding its own view of where the inter-State border should extend.

The Croatian side presented no arguments negating the legal foundation of the Yugoslav arguments relative to the extension of the State border in Sector South and the resolution of the disputed issue of Prevlaka.

The Socialist Republic of Montenegro and the Socialist Republic of Croatia, two Federal Republics of the Socialist Federal Republic of Yugoslavia, designated their mutual border by their laws. Both Republics adopted their own laws on sea fishery: the Law on Sea Fishery of the Socialist Republic of Montenegro (Official Gazette of the Socialist Republic of Montenegro No. 10/79 of 3 April 1979) and the Law on Sea Fishery of the Socialist Republic of Croatia (People's Gazette of the Socialist Republic of Croatia No. 64/1980 of 4 November 1980).

The laws are of particular importance because they contain provisions on Republican borders and because no collision exists between Montenegrin and Croatian laws regarding the definition of Republican borders. Both laws define the fishery zones of one and the other Republic and article 2 of the Law on Sea Fishery of the Socialist Republic of Montenegro reads: "The fishery zone of the Republic of Montenegro ... encompasses the part of the coastal sea and the continental shelf of the Socialist Federal Republic of Yugoslavia within the

borders of the Socialist Republic of Montenegro", while article 2 of the Law on Sea Fishery of the Socialist Republic of Croatia reads: "As the fishery zone under this Law is considered the part of the coastal sea of the Socialist Federal Republic of Yugoslavia within the borders of the Republic of Croatia". Both laws were in force at the relevant time. The very texts of the laws point to the territory in which they are applied. Thus article 4 of the Law on Sea Fishery of the Socialist Republic of Montenegro says: "It is prohibited to fish by dragnets (trawls) in the coastal shelf up to one nautical mile from the coast and in Boka Kotorska Bay". This provision shows that the law was applied in entire Boka Kotorska Bay.

The Croatian law mentions by name a series of localities in which certain forms of fishery are prohibited; however, it does not mention any locality within Boka Kotorska Bay.

The two laws and the practice of their implementation testify to the agreement of the two Republics that the common border does not end in Boka Kotorska Bay as now averred by the Croatian side. For, had that been the case, it would have been necessary for the Croatian fishery law to extend also to part of Boka Kotorska Bay. The Croatian side presented nothing which would seriously question the Yugoslav argument.

It should be borne in mind that there existed Republican companies for the supply of electrical energy and for PTT communications in the former Socialist Federal Republic of Yugoslavia, organized on the territorial principle, i.e., the companies organized their activities in the territory of a Republic, a member of the Federation. Accordingly, the Electrical Energy Supply Company of Montenegro operated in the territory of Montenegro, while the Electrical Energy Supply Company of Croatia operated in the territory of Croatia; the PTT Company of Montenegro operated in the territory of Montenegro, while the PTT Company of Croatia operated in the territory of Croatia. There exist in the disputed territory of Prevlaka electrical installations which are part of the Electrical Energy Supply Company of Montenegro and telephone installations which are part of the PTT Company of Montenegro. This confirms that the disputed territory was part of the territory of Montenegro. Laying down of those installations in the territory of Prevlaka had not been opposed and disputed by the Republic of Croatia. The Croatian side did not dispute the Yugoslav document.

The presented arguments confirm that, at the relevant time, entire Boka Kotorska Bay, including the Prevlaka peninsula, was considered by both Republics as part of the territory of the Republic of Montenegro.

The expectation of the Yugoslav side that a serious and comprehensive consideration of the presented argumentation would follow in accordance with the principle of all-round negotiation and in accordance with the obligations from the resolution of the Security Council did not materialize because of the position of the Croatian side. The Yugoslav side assessed such attitude of the Croatian side as a lack of readiness for serious negotiations which was testified by the proposal of the Croatian side to call off the negotiations at this level and resume them at a higher one.

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LETTER DATED 23 MARCH 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith the reply of the President of the Federal Republic of Yugoslavia, Slobodan Milosevic, to the message of the Co-Chairmen of the Rambouillet meeting, the Foreign Ministers of France and Great Britain, Hubert Vedrine and Robin Cook (see annex).

I should be very grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-08194 (E) 230399

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Annex

Reply of the President of the Federal Republic of Yugoslavia to the message of the Co-Chairmen of the Rambouillet meeting, the Ministers for Foreign Affairs of France and Great Britain

This is my reply to the message you have sent to me.

The talks in Paris, which you called adjourned, did not take place at all. The delegation of the Government of the Republic of Serbia and the representatives of the Albanian separatist and terrorist movement never met to talk.

As concerns the signed "Agreement", two documents were signed in Paris.

One of the documents was signed by the representatives of all national communities from Kosovo, and these are the representatives of Kosovo. The other document was signed by the representatives of the Albanian separatist and terrorist movement and they, of course, are not the representatives of Kosovo.

That other document, which you call the Rambouillet Agreement, however, is not the Rambouillet Agreement. For neither in Rambouillet, nor in Paris, people who came to negotiate, did negotiate. There were no talks between them, therefore there could be no common document to be accepted or rejected.

Otherwise, the text you call the Rambouillet Agreement was published in the Kosovo press (the Albanian paper Koha Ditore) before the start of the Rambouillet talks.

Belgrade is tolerant, but not stupid. Thanks to the stupidity of someone else, the document which should have been the result of the talks which were still to take place was published.

Of course, we have nothing against preparing a draft document before the start of the talks. But we are strongly against not having talks at all, and being asked to sign something which could eventually be a draft agreement as an agreement, never meeting those with whom we should have agreed.

Therefore, my reply to your sentence "the agreement is on the table", is the following: Only a draft agreement could be on the table. But an empty table does not bring about an agreement. Nor can an agreement be reached if only one side of the table is filled. Those concerned with the agreement must sit at the table.

Regarding your threats with NATO military intervention, your peoples should be ashamed of them, for you prepare yourselves to use force against a small European nation, just because it protects its territory from separatism, protects its citizens from terrorism, and its historical dignity against thugs who know nothing about history or dignity.

You say that large movements of our security forces are a matter of great concern. If you think they are a matter of concern for the separatists who would like to take away a part of the territory of Serbia and Yugoslavia, they, of course, should be concerned. If you have in mind some possible aggressors outside Yugoslavia, this should be a matter of concern for them, too.

Is it really possible for a normal person to think that somebody who is being threatened will not show the intention to defend himself.

You are Ministers for Foreign Affairs of two European countries, and as such are distinguished diplomats. In such a capacity, you have the right to mediate, to negotiate, to advocate goodwill, to strive for peace in Europe, for better relations among nations. But you do not have the right to threaten other countries and other citizens, or to arrange life in other countries.

We stay with our strong opinion to solve the problems in Kosovo and Metohija by peaceful means, through negotiations. The fact that negotiations did not take place in Rambouillet and in Paris does not mean that we should give up negotiations. At least from our peaceful and democratic standpoint.

Slobodan Milosevic

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23 March 1999

ORIGINAL: ENGLISH

LETTER DATED 23 MARCH 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 20 March 1999, which I have received from the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE). The enclosed report on the situation in Kosovo is submitted pursuant to requirements set by the Security Council in resolution 1160 (1998) of 31 March 1998 and resolution 1203 (1998) of 24 October 1998, and in compliance with the Council's wish to be kept informed on the situation in Kosovo.

I should appreciate your bringing this communication from the Chairman-in-Office of OSCE to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

99-08200 (E) 240399

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Annex

Letter dated 20 March 1999 from the Chairman-in-Office of the Organization for Security and Cooperation in Europe addressed to the Secretary-General

Reference is made to my letter of 16 February 1999 concerning the contributions of the Organization for Security and Cooperation in Europe (OSCE) to the reports on the situation in Kosovo pursuant to the requirements set out in Security Council resolutions 1160 (1998) and 1203 (1998).

I hereby enclose the report covering the period mid-February to mid-March 1999 on the situation in Kosovo, the measures taken by OSCE and cooperation and compliance by the parties.

(Signed) Knut VOLLEBAEK

Enclosure

Monthly report on the situation in Kosovo pursuant to the requirements set out in Security Council resolutions 1160 (1998) and 1203 (1998)

Mid-February-20 March 1999

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I. General situation

Security situation

The situation on the ground in Kosovo remained grave. Localised clashes between KLA and Serb security forces continued. Unprovoked attacks by the KLA against the police continued and the number of casualties sustained by the security forces has increased. A new area of military tension emerged in the south of the Province at the border with the former Yugoslav Republic of Macedonia. Military operations affecting the civilian population intensified in mid-March. The overall number of Yugoslav army (VJ) units deployed outside their Kosovo barracks was greater than that previously agreed in the Naumann/Clark Agreement of 25 October 1998. Indiscriminate urban terrorist attacks targeting civilians continued. The number of security incidents involving OSCE personnel increased significantly. There has been a steady erosion of KVM's ability to fulfil its tasks. Intensive movement of VJ convoys, including tanks and armoured personnel carriers, has been observed within the Province since mid-February. The VJ strengthened their positions in border areas and upgraded their defensive capabilities both in terms of weapon types and numbers of troops and equipment deployed. Increased KLA activity was noted in certain areas of Kosovo.

Due to the deteriorating security situation the OSCE Chairman-in-Office, Foreign Minister Knut Vollebæk of Norway, on 19 March decided to temporarily withdraw the Mission from Kosovo to the former Yugoslav Republic of Macedonia.

On 20 February exchanges of fire between the security forces and the KLA were observed in the area of Rastane and Studencane villages, west of Suva Reka. Large numbers of KLA were seen in Studencane. A VJ liaison officer informed the KVM that the engagements in Studencane were the result of a KLA attack on a routine police patrol. The OSCE patrols confirmed that the KLA were at a high state of alert on that day and that the local KLA commander referred to orders to engage the police if they passed in that area.

Fighting was reported west of Vucitrn on 22 February in the vicinity of Doljak, Jezero and Taradza. Approximately 200 VJ soldiers, supported by two tanks, and reinforced by the police, attacked KLA positions near these villages but later withdrew to barracks in Mitrovica. On 25 February the VJ started a military firing exercise in the area of Bukos south of Mitrovica which continued until the beginning of March and caused a displacement of the civilian population from the nearby villages. The situation in the area remains highly charged and volatile.

Reports of fighting in the Kacanik area were received on 28 February when the security forces were attacked by the KLA near Gajre. One police officer, the commander of the Kacanik police station, was killed and four policemen wounded. An estimated 2.000 people fled half a dozen villages in the Kacanik area. Many of them tried to cross the Yugoslav-Macedonian border. On 10 March the Commander of the Police in Kosovo informed the OSCE that the security force operation in the area had been completed. OSCE verifiers were shown a stockpile of weapons, ammunition and military uniforms, apparently seized in Kotlina and Ivaja. On 11 March OSCE teams gained access to those areas and found Straza village deserted, with 12 of the 50 houses burned and others damaged. More than 50 % of the houses in Ivaja were also burned.

On 11 March VJ and MUP conducted a joint operation against the KLA, using tanks and support weapons, in the area south-west of Prizren. Heavy bombardment of Jeskovo and burning houses were observed. The following day the OSCE teams were shown the bodies of seven armed men in

KLA uniforms, apparently killed at Jeskovo during the security force operation. The OSCE were not able to confirm that these men had died where they were found. In a separate incident. One policeman was seriously wounded when a MUP observation point at Ljumbarda, south of Pec, was engaged by KLA small arms fire.

On the afternoon of 13 March three separate explosions occurred, two in Podujevo and one in Mitrovica. The timing and the location of the incidents (a market and a nearby post office in Podujevo, and a market in Mitrovica) indicated the deliberate targeting of the civilian population. Six people were killed immediately, one died later of injuries and more than fifty were wounded, many of them severely.

Towards the end of the period under review intensive exchanges of fire and significant security force activity continued in the areas south west of Vucitrn and south of Mitrovica. OSCE verifiers observed heavy shelling and houses burning in Drvare, Salce and Mijalic. Security forces operations that included the use of mortars were carried out in the area of Dubrave west of Kacanik, as well as in Svrhe and Dus, south of Klina.

Non-attributable murders continued and most victims of these were Albanian. The recent abduction of an Albanian civilian employed by the Prizren police revealed that a centrally controlled KLA "security force" carried out the act. Eyewitness accounts described a 10-man uniformed unit wearing KLA insignia seizing the victim. The KLA have admitted to holding the man. This year, in the west of the Province in the area from Pec to Prizren, several eyewitnesses have given similar descriptions of a KLA unit seizing Albanians loyal to the Serbs. Previous claims that the perpetrators of these murders were rogue KLA elements are now less plausible than the conclusion that some "punishment shootings" are being initiated at the highest levels of KLA Command.

The number of security incidents involving OSCE personnel increased during the reporting period. The most serious case took place on 21 February when uniformed and armed policemen physically assaulted two OSCE verifiers.

In the period 25 to 26 February a number of KVM vehicles were detained by FRY Customs officials on the border crossing between the FRY and the former Yugoslav Republic of Macedonia. At one point there were 21 mission members and 8 OSCE vehicles detained at the border. The situation escalated to a point at which the KVM HQ had to temporarily stop all OSCE movement across the border. The OSCE Chairman-in-Office and the KVM strongly protested those actions as a contravention of the Vienna Convention, and a violation of the Mission's freedom of movement.

The VJ has since late February carried out preparations that would enable it to destroy infrastructure and block roads in and out of Kosovo. During the last week of the reporting period, leading NATO Military Officials expressed serious concern over the security of the unarmed OSCE Verifiers.

Political situation

Uncertainty regarding the FRY/ Serbian authorities' and the Kosovo Albanians' positions on the plan for an Interim Agreement presented to the delegations in Rambouillet remained a significant characteristic of the overall political situation in Kosovo. At the same time developments on the ground and continued fighting demonstrated a lack of political will for reconciliation.

Adem Demaci resigned as political spokesman for the KLA on 2 March, in what appeared to be an indication of a shift within the KLA towards acceptance of the Interim Agreement advocated at Rambouillet.

On 3 March the eight Kosovo Albanian political parties, including the Democratic League of Kosovo (LDK) of Ibrahim Rugova, represented in a shadow "Parliament of the Republic of Kosova", called on Kosovo Albanians to support the Rambouillet Interim Agreement.

On 5 March Ibrahim Rugova told a press conference in Pristina that, despite difficulties on the ground, wide-ranging efforts to build support for the Rambouillet accord across the whole spectrum of the Kosovo Albanian community were continuing. He expressed his belief that the terms of the Interim Agreement had been receiving overwhelming support by the people in Kosovo.

On 6 March Serbian President Milan Milutinovic and Deputy Prime Minister Ratko Markovic sent letters to the Foreign ministers of the Contact Group countries saying that the proposed text of the Interim Agreement had been neither discussed nor accepted at the Rambouillet talks.

On 8 March Yugoslav President Slobodan Milosevic received German Foreign Minister Joschka Fischer and the EU Commissioner for Foreign Affairs Hans Van den Broek. Following the meeting the President's office issued a statement ruling out the deployment of any foreign troops as an implementation force. President Milosevic stated the same position during a meeting with Russian Foreign Minister Igor Ivanov on 12 March.

On 13 March the Kosovo Albanian delegation left Pristina for the Paris talks. The OSCE facilitated the movement of the delegates from the KLA and the FRY authorities co-operated with the arrangements.

Humanitarian Situation

According to the UNHCR and other humanitarian organisations, some 30,000 persons have fled their homes since the end of the Rambouillet negotiations on 23 February. Military operations in the Prizren, Vucitrn and southern border areas had caused the displacement of as many as 18,000 people. About 12,000 of these were able to return after a short absence. UNHCR reported that returns continued in places where there was no violence, and especially where OSCE had established a continuous presence. At least 230,000 persons are now displaced within Kosovo as a result of the conflict. A further 170,000 have fled the province in the past year, and several hundred thousand who have not been displaced nevertheless remain affected by the conflict.

The departure of Serbs and other minorities from Kosovo continued. Serbs have abandoned some 90 villages in west and central Kosovo since October 1998. The fighting in Podujevo and Mitrovica areas has left many Serbian homes empty, barred and shuttered.

Human rights issues

The increased fighting and police and VJ activity during the reporting period was accompanied by tightened restrictions on freedom of movement and the right to liberty. Ethnic Albanian men continue to be detained by the police, who inform KVM that they are checking for identification documents. With regard to IDPs, a pattern has emerged in which police have tended to separate the men from women and children. The men are then taken to the police station for questioning. Many of those men that were subsequently released had reported that the police beat them.

Complaints have also been received by KVM that the VJ is pillaging and stealing goods from homes in villages after they have seized control.

The non-attributable murder of civilians continues. Because the police were not robustly investigating such killings it remained difficult to determine whether the deaths were the result of criminal activity or whether they constituted human rights violations. The number of incidents of abduction remained alarmingly high.

During the reporting period, the OSCE Human Rights Division continued to monitor trials of ethnic Albanians charged with "terrorism" related offences. Concern has been voiced by the KVM that many convictions are based either on confessions which the defendants later retract and contend were obtained through the use of force and ill treatment, or on the basis of a paraffin glove test. Rarely are the defendant's attorneys permitted to call witnesses or to cross-examine the prosecution's experts. It has also been confirmed that the KLA has detention facilities and is detaining Albanians who are alleged to be "collaborators as well as criminals." The KLA vehemently denies that it is detaining any Serbs.

Kosovo conflict spillover potential

The OSCE Presence in Albania, the OSCE Spillover Mission to Skopje and the OSCE Missions to Bosnia and Herzegovina and to Croatia continued to follow closely the Kosovo conflict spillover potential.

During the reporting period, the situation on the border between Albania and Kosovo (FRY) remained relatively calm in spite of increased Yugoslav military activities inside Kosovo and intermittent border incidents. Yugoslav forces remained on high alert and patrolled the border regularly. Albanian military personnel reinforced the border with Kosovo and conducted training exercises in the region. Observation of movement along the border continued to be hampered by inclement weather and heavy snowfalls.

Illegal movement across the border between Albania and Kosovo (FRY) was negligible during the reporting period, as it appeared that the border area adjacent to the former Yugoslav Republic of Macedonia was used more often. The Kosovo Liberation Army (KLA) maintained a low profile during this period with only one attempted crossing reported. It has been noticed that the passage of information between police on either side of the Albanian-Macedonian border relating to illegal crossings has been poor. Meanwhile, smuggling has continued across the border in both directions between Albania and Montenegro via the Shkodra Lake.

OSCE Field Offices in Kukes/Krume and Peshkopi reported on a number of disturbing cross-border incidents, some involving the use of weapons. On 4 March, an exchange of gunfire between Yugoslav soldiers and Albanian civilians in the border village of Letaj occurred. After the incident, a meeting of the Joint Border Commission was convened between the Yugoslav Border Commander and the regional Albanian Commander, the first for many months.

Kosovo has been the dominant preoccupation of politicians and the media since the Rambouillet talks were suspended on 23 February. The Albanian Government welcomed the achievements of the international negotiators in what it described as "the first phase of a process", and committed itself to co-operating closely in the full implementation of the plan "through the implementing instruments of NATO and OSCE". The Government clearly played a helpful role behind the scenes in trying to persuade the Kosovo negotiators, and the KLA in particular, of the advantages of agreement at the resumed talks. Foreign Minister Milo went to Paris for talks with the Kosovo

team in the final days of the talks in Rambouillet, and Hashim Thaci, together with Rexhep Qosja, came to Tirana for talks with President Meidani on 1 and 2 March. The Democratic Party, for its part, criticised the Government for its alleged failure to come out sufficiently firmly in favour of a referendum on independence for Kosovo.

On 4 March the Albanian Parliament unanimously adopted a new declaration on Kosovo, encouraging the Kosovo Albanians to sign the Agreement "as soon as possible" and calling on NATO to ensure implementation.

In the former Yugoslav Republic of Macedonia, the situation on the northern border with Yugoslavia has been unstable and characterised since the beginning of March by continued fighting in the Kosovo salient south of Kacanik.

The reporting period was dominated by the marked increase in the numbers of those from Kosovo seeking refuge. The Office of the United Nations High Commissioner for Refugees (UNHCR) and the Red Cross have registered 4.000 people seeking the status of humanitarian assisted persons since the beginning of March. Unofficial government estimates put the total number of Kosovars staying on an extended basis at over 6.000, a figure which broadly coincides with estimates by the OSCE Spillover Monitor Mission to Skopje. On 10 March the Red Cross total of arrivals over the last 12 months was 7.081. The UNHCR figure on 11 March was 7.271.

Reception arrangements worked efficiently and new arrivals were absorbed by host families in the ethnic Albanian community. The OSCE Missions observation of registration by the police in the remotest northern border areas indicated that there is a positive and constructive relationship between the police and the ethnic Albanian population in some of the most vulnerable and exposed communities regarding the new arrivals. The Government published its outline plan for the reception of up to 20.000 refugees and identified four principal points of expected entry: Vesala north west of Tetovo in the Sar mountains; near Jazinic; Gorno Blace; and on the northern border near Kodra Fura.

Relations between the former Yugoslav Republic of Macedonia and FRY have deteriorated in the last weeks following military threats made by Serbian Vice President Vojislav Seselj. The Macedonian Government sent a note of protest to the Yugoslav Embassy which was answered by another note of protest from the Yugoslav Embassy regarding a recent statement made by Dosta Dimovska, vice premier of the Macedonian Government during a visit to Bulgaria.

II. OSCE activities

Activities of the Chairman in Office and the Permanent Council.

The OSCE Chairman-in-Office (CiO), Foreign Minister Knut Vollebæk of Norway met the Yugoslav President Slobodan Milosevic on 1 March in Belgrade, as well as with Foreign Minister Jovanovic, Deputy Prime Minister Sainovic and Serbian President Milutinovic. The OSCE CiO urged President Milosevic and the Yugoslav leadership to sign the draft Interim Agreement, and emphasised that the OSCE would not be able to implement a political settlement for Kosovo without a robust international military presence on the ground in Kosovo.

On 2 March the OSCE CiO met in Pristina with members of the Kosovo Albanian delegation who had participated in the Rambouillet talks, and expressed his optimism that the Kosovo Albanians would sign the draft Interim Agreement.

He also met with representatives of the Serbian population in Kosovo, Momcilo Traikovic and Father Sava, who expressed concern that they had not been properly informed of the content of the draft Interim Agreement, and were worried of the implications it would have for them. In order to improve this situation, the CiO sent a member of the CiO team at Rambouillet to Pristina to brief the Serbian representatives.

The EU Special Envoy to Kosovo, Wolfgang Petritsch, addressed the OSCE Permanent Council in Vienna on 4 March in order to update the Council on developments in Rambouillet and to report on progress in achieving a settlement. He stated that he felt that the KVM's objective and unbiased role in Kosovo had been an important asset during the negotiations. He emphasised that a strong implementation force was considered a *sine qua non* of a durable settlement.

The Head of the KVM, Ambassador William Walker, addressed an informal meeting of the Permanent Council on 10 March and updated a full meeting of the Permanent Council on 11 March. He then briefed the Euro-Atlantic Partnership Council at NATO Headquarters in Brussels on 12 March.

The Chairmanship initiated a planning process to elaborate a comprehensive plan for meeting possible new tasks for the OSCE in Kosovo. in the event that the Interim Agreement should be signed by the Parties. The OSCE Secretariat gathered a team of experts in Vienna, including members of the OSCE KVM and other OSCE Missions, to further this process. Key job descriptions have been circulated to OSCE Delegations in order to reduce the lead-time for recruitment of experts. A comprehensive planning document will be circulated as soon as preliminary planning is complete.

Due to the deteriorating security situation, the CiO on 19 March decided to temporarily withdraw the Mission to the former Yugoslav Republic of Macedonia, after having consulted with the OSCE troika as well as with other OSCE Countries.

KVM operational status

A new KVM Liaison office was opened in Podgorica, Montenegro, to assist with logistic support to the Mission. The number of municipality-based Co-ordination Centres was increased to 26. The number of village-based Field Offices was 14.

By noon on 20 March all international members of the OSCE Kosovo Verification Mission had departed from the Federal Republic of Yugoslavia.

At the time of the temporary withdrawal the KVM consisted of 1381 international members and 1693 local employees, a total of 3074. The Mission will remain in the former Yugoslav Republic of Macedonia for the time being, in order to enable a quick return to Kosovo. Personnel in Belgrade and Podgorica were withdrawn to Zagreb. Visas were cancelled and ID cards withdrawn at the border. Consequently, the Mission members will have to obtain new visas when the Mission returns to Kosovo.

III. Cooperation and compliance by the parties

18 February - 18 March 1999

Hostilities UNSCR 1199 makes several demands (operative paragraphs 1, 4a and 6) with reference to cessation of military and security force activity:

"...demands that all parties, groups and individuals immediately cease hostilities and

maintain a cease-fire in Kosovo...;"

"...demands further that the FRY ...cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression...;"

"...insists that the Kosovo Albanian leadership condemn all terrorist action, and emphasises that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only."

Main incidents are as follows:
On 25 February the VJ started a military firing exercise in the area of Bukos south of Mitrovica which continued until the beginning of March and caused an active displacement of civilian population from the nearby villages. The situation in the area remained highly charged and volatile with sporadic fire exchanges between the KLA and the VJ continuing throughout the reporting period.

On 26 February an OSCE patrol was fired upon by the KLA in the village of Stitarica north of Podujevo. No casualties resulted. The patrol was in the vicinity of VJ forces. The KLA apologised for the "mistake", indicating they were firing at the VJ and were unaware of the KVM presence.

On 27 February a police patrol was ambushed west of Pristina airfield with one police officer killed and one wounded, apparently by KLA sniper fire.

A new area of military engagement emerged at the end of February as KLA from other regions moved to villages south-west of Kacanik near the southern border with the former Yugoslav Republic of Macedonia. That was followed by an increased concentration of VJ and police forces. Reports of fighting in that area were received on 28 February when the security forces were attacked by the KLA near Gajre south west of Kacanik. One police officer, the Commander of the Kacanik police station, was killed and four policemen wounded. An estimated 2,000 people fled villages in the Kacanik area some trying to cross a border to the former Yugoslav Republic of Macedonia.

Three police officers were wounded and one of them later died in Pristina hospital after a static police patrol was attacked at a bridge in the centre of Podujevo on 3 March.

On 4 March the KLA informed OSCE verifiers they would attack any police convoy attempting to pass through the area of Srbica and Glogovac. KLA reinforcements were observed in that area.

On 5 March approximately 15 to 20 KLA members ambushed a police patrol in an area south-west of Pristina airport. According to police sources 11 policemen were wounded, six of them seriously, and two police vehicles were destroyed by rocket-propelled grenades.
On 5 March there was an explosion at a Serbian restaurant in Pec. Six people were injured, one seriously. Later on the same day seven people - all Albanians- were wounded after an Albanian café in Pristina was sprayed with automatic weapon gunfire by unknown attackers. One of the wounded subsequently died at the scene.

On 7 March two policemen were killed and a third was wounded in an Albanian suburb of Pristina while attempting to serve an arrest warrant for three suspected criminals. The incident prompted a heavy-handed response by the police during a house to house search operation that reportedly

resulted in about fifteen Albanians requiring medical assistance.

On 8 March a police vehicle hit an anti-tank mine near the village of Smonica west of Djakovica, two policemen were killed and six wounded.

On 15 March OSCE patrols reported an active VJ movement north-east of Podujevo with large convoys heading south from the vicinity of the border with Serbia proper.

On 10 March an exchange of fire and shelling by VJ of villages in the area west of Vucitrn were reported and OSCE confirmed that a dozen of approximately forty houses in Salce were burned.

On 11 March VJ and police conducted a joint operation against the KLA using tanks and support weapons, in the area south-west of Prizren. In a separate incident one policeman was seriously wounded when a police observation point at Ljumbarda south of Pec was engaged by KLA small arms fire.

On 13 March the VJ informed KVM that they had intercepted a group of 10 to 20 KLA members crossing from Albania near Gorozup south west of Prizren, which withdrew after an exchange of fire. The OSCE team observed a scene of what appeared to be an intercepted attempt of an infiltration into Kosovo across the border from Albania. A large quantity of equipment including ammunition, grenades, sniper rifles, rocket-propelled grenades, military clothing and a dozen of rucksacks.

Fighting continued on 14 and 15 March at Luzane between Pristina and Podujevo. The OSCE Field Office was evacuated.

Humanitarian issues UNSCR 1199 makes two demands (operative paragraphs 2 and 4c) with reference to humanitarian assistance:

"...demands that the authorities of the FRY and the Kosovo Albanian leadership take immediate steps to improve the humanitarian situation..."

"... demands further.....that the FRY...facilitate, in agreement with the UNHCR and the ICRC, the safe return of refugees and displaced persons to their homes and allow free and unimpeded access for humanitarian organisations and supplies..."

Although the overall level of cooperation by the parties with humanitarian organisations and NGOs has been generally good, military operations and clashes cannot easily be separated from their humanitarian effect: wherever there has been fighting in inhabited areas groups of IDPs have been created.

Prevention of humanitarian access has not been a significant problem but has occurred. On 25 of February three French NGO members were arrested by police in Sofalija, but later released.

On 5 and 6 March the KLA blocked evacuation by the UNHCR of some 200 displaced persons that remained in the open in the Kacanik area. The KLA denied access to the IDPs. In a public statement by the UNHCR such actions were condemned as unacceptable.

Human rights issues UNSCR 1199 refers to the need to ensure that the rights of all inhabitants of Kosovo are respected (preamble paragraph 11):

"Deeply concerned also by reports of increasing violations of human rights and of international humanitarian law, and emphasising the need to ensure that the rights of all inhabitants of Kosovo are respected,..."

In the absence of a functioning human rights protection mechanism in Kosovo, the KVM continues to receive individual complaints of alleged human rights abuses by the Serb authorities and by the KLA.

Serbian authorities informed the International Committee of the Red Cross (ICRC) that approximately 1.000 people are in detention following being either sentenced or accused of offences against the security and integrity of the State in connection with the conflict in Kosovo. ICRC reported that they have visited 682 persons who are in detention. ICRC is also following up the cases of 146 persons reportedly abducted by the KLA or otherwise unaccounted for in areas under KLA control. According to the ICRC "for some 50 percent of these people, witnesses claim that they were abducted by KLA members, while the other half are assumed to be in the hands of KLA, given that they went missing in territories under KLA control." ICRC is working on the cases of some 200 Albanians, who have been "allegedly arrested, but whose names are not on the notification list submitted by the Justice Ministry of Serbia".

Incidents of kidnap and abduction continued. On 20 February leader of Kosovo Democratic Initiative Selim Topoljani was abducted from his house in the village of Doganovic south of Urosevac by a group of armed KLA members.

Two Serbian residents of Bukos (west of Vucitrn) were abducted by the KLA on 22 February and one of them was beaten to death. The attempt by the police to investigate resulted in a clash the following day in which one local TV reporter and five police officers were wounded. The KVM secured the release of another Serb from the KLA on 27 February. KLA "zone commander" told KVM that the abductions were carried out by "uncontrolled elements".

Three Albanian men were reported missing on 23 February in Orahovac area. This was followed by reports on 27 February, that three Serbian men were abducted in the Prizren area.

On 27 February two Serb brothers were abducted near the village of Velika Hoca south of Orahovac. The KLA first admitted holding the men, but then distanced itself from the incident. One of the hostages was shot dead by kidnappers. On 1 March his body was handed over by the KLA to the KVM and the other one was released alive, but apparently having been severely beaten. The KVM condemned the abductions as an action detrimental to a political settlement.

On 3 March two Serb civilians were shot and killed by the KLA at a "checkpoint" in the village of Mijalic located between Pristina and Vucitrn. The two Serbs were presumed to be relatives searching for a third family member, a VJ soldier, who had been earlier detained by the KLA.

On 9 March Prizren Regional Centre reported that an Albanian from Pirane was abducted by a group of masked men wearing black uniforms with KLA insignia. The police said the Albanian was a civilian working as a document clerk in the Prizren police station. The KLA confirmed their involvement and the OSCE started negotiating to secure his release.

Access and Freedom of Movement UNSCR 1199 makes one demand (operative paragraph 4b) with reference to access and freedom of movement for those engaged in international monitoring:

"...demands further that the FRY....enable effective and continuous international monitoring in Kosovo by the European Community Monitor Mission and diplomatic missions accredited to the FRY, including access and complete freedom of movement of such monitors to, from and within Kosovo unimpeded by government authorities, and expeditious issuance of appropriate travel documents to international personnel contributing to the monitoring..."

OSCE/FRY Agreement (paragraph 6) provides: **" The FRY government ...guarantees the safety and security of the Verification Mission..."**

On 20 February OSCE patrols were denied access by the VJ in Gniljane area, although the road remained open for local traffic.

On 20 February the VJ told OSCE to evacuate Field Offices in Zur and Dragas.

On 24 February the VJ soldiers and Serb villagers in Devet Jugovica north-east of Obilic threatened OSCE patrols.

On 25 February VJ denied access to OSCE in the area of Firza.

On 25 and 26 February a number of OSCE vehicles were detained by FRY Customs officials at the Djeneral Jankovic border crossing between the FRY and the former Yugoslav Republic of Macedonia. At one point there were 21 mission members and eight OSCE vehicles stopped at the border. The situation escalated to a point at which KVM Headquarters had to temporarily stop all OSCE movement across the border

On 28 February two OSCE verifiers were assaulted while off duty in Prizren by a group of civilians (mostly youngsters joined later by adults), who beat them to the ground before the verifiers managed to get away.

On 6 March an OSCE patrol while observing a VJ checkpoint near Prizren was ordered out of the area by the VJ.

On 6 March the VJ liaison officer refused entry to the OSCE verifiers to Bukos west of Vucitrn, despite previously reached agreement on such a visit.

On 8 and 9 March OSCE patrols were denied access by the security forces to the villages in the Kacanik area affected by the fighting.

On 11 March in the area of Pec the VJ were hostile towards OSCE verifiers by pointing their weapons at the OSCE patrol. In a separate incident the VJ east of Pristina stopped an OSCE patrol and verifiers were ordered to get out of the vehicle or to leave the local interpreter with the VJ. These orders were refused and the OSCE patrol turned back.

On 12 March Prizren Regional Centre teams were denied access to the VJ position at Dulje west of Stimlje which is one of the three authorised VJ Combat Team locations as agreed in the 25 October 1998 NATO/FRY Agreement. That was the second time that access had been recently denied, although previously the VJ co-operated with verification visits.

On 15 March an OSCE team was stopped by the VJ at the village of Donja Budriga in the Gniljane district was not permitted into a five-kilometre zone to the border.

On 16 March verifiers from RC Mitrovica were ordered out of the area of Mitrovica railway station by the VJ when attempting to observe the arrival of a convoy that included 7 T-72 (M 84) Main Battle Tanks.

Political Solution UNSCR 1199 makes two demands (operative paragraphs 3 and 4d) with reference to the imperative to search for a political solution to the conflict:

"...calls upon the authorities in the FRY and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear time-table, leading to....a negotiated political solution to the issue of Kosovo...."

"...demands further that the FRY....make rapid progress to a clear time-table, in the dialogue referred to in paragraph 3 with the Kosovo Albanian community called for in UNSCR 1160, with the aim of agreeing confidence building measures and finding a political solution to the problems of Kosovo...."

The latest round of the Rambouillet process in Paris was adjourned on 19 March due to the lack of progress. Talks will not resume unless the Serbian party expresses willingness to sing the draft Interim Agreement.

Cooperation with ICTY UNSCR 1199 refers to the need for full cooperation with ICTY (operative paragraph 13):

"Calls upon the authorities of the FRY, the leaders of the Kosovo Albanian community and all others concerned to co-operate fully with the Prosecutor of The International Tribunal for the Former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal...;"

There was no progress on the part of the FRY authorities in compliance with the requirements to co-operate fully with the Prosecutor of the International Tribunal for Former Yugoslavia.

UNITED NATIONS **S**

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IDENTICAL LETTERS DATED 23 MARCH 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States and British aircraft based in Saudi Arabia, Kuwait and Turkey continued between 1 and 15 March 1999 and that the aircraft in question engaged in acts of aggression, reconnaissance activities and acts of provocation, as set forth in the annex hereto.

You are requested to intervene with the United States, the United Kingdom and the countries that provide the facilities for these acts of aggression, namely Saudi Arabia, Kuwait and Turkey, with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions are continuing to bring death and injury to hundreds of civilians and to cause serious damage to private and public property. The logistic support that Saudi Arabia and Kuwait provide to the United States and British forces makes them key partners in the aggression being committed against Iraq, so that they share international responsibility for the consequences of these actions. The Republic of Iraq affirms its right to seek legal compensation for the damage being inflicted on its people by these same actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Violations by United States and British aircraft and damage caused, 1-15 March 1999

1. In the northern region 195 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 12,000 metres over the following cities and towns: Irbil, Dohuk, Mosul, Amadiyah, Aqrah, Tall Afar, Ayn Zalah, Zakho, Rawanduz, Baibo and Sinjar, as well as the Saddam dam.

2. In the southern region 511 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres over the following Iraqi cities and towns: Nasiriyah, Samawah, Basrah, Diwaniyah, Najaf, Karbala', Amarah, Kut, Artawi, Ushbayjah, Jalibah, Salman, Busayyah, Qurnah, Shinafiyah, Rumaythah, Rifa'i, Mu'aniyah, Umm Qasr, Safwan, Qal'at Salih, Lasaf, Qal'at Sukkar, Ali al-Gharbi, Hawr al-Hammar, Madinah, Ansab, Nukhayb, Afak, Suq al-Shuyukh, Chabaish, Najaf South, Hayy, Hashimiyah, Shatrah, Shu'aybah, Faw, Maymunah, Badrah, Hillah, Suwayrah, Aziziyah, Jabal Sanam and Barjisiyah.

3. On 1 March 1999 formations of United States and British aircraft bombarded civilian targets in Ninawa Governorate and carried out two attacks on the residential complex for the Northern Oil Company's Ayn Zalah oilfield. A number of residents were killed and wounded in the bombardment, and it also destroyed another link in the system controlling the operation of the Iraq-Turkey pipeline, isolated the metering station west of Zakho and caused serious damage to civilian installations.

4. At 1325 hours on 1 March 1999 15 formations of United States F-14s, F-15s and F-16s and British Tornadoes supported by an AWACS early-warning aircraft from inside Turkish territory penetrated Iraq's airspace. These formations carried out 29 sorties and overflew areas of Dohuk, Irbil and Ninawa governorates. Our air defence units, acting in self-defence, engaged the aircraft and, at 1640 hours, drove them off.

5. At 1350, 1507 and 1540 hours on 1 March 1999 United States and British aircraft fired 10 projectiles at a civilian locality in the Mosul area. A number of civilian residents were wounded in the bombardment. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

6. At 0850 and 1600 hours on 4 March 1999 20 formations of United States and British aircraft coming from Saudi and Kuwaiti territory and supported by AWACS and E-2C early-warning aircraft from inside Saudi territory penetrated Iraq's airspace. These formations carried out 22 sorties from Saudi airspace and 22 from Kuwaiti airspace. The aircraft overflew areas of Basrah, Dhi Qar and Muthanna governorates and fired two projectiles at the fields of a Basrah resident. Our air defence units, acting in self-defence, engaged the aircraft and, at 1657 hours, drove them off.

7. At 0850, 0855, 1015, 1040, 1120, 1435, 1505, 1525 and 1526 hours on 4 March 1999 United States and British aircraft penetrated Iraq's airspace in the Basrah and Umm Qasr areas.

8. At 1620 hours on 4 March 1999 a United States and British formation dropped two guided bombs in the Barjisiyah area of Basrah Governorate.

9. At 0913, 0921, 0930, 1024, 1025, 1535, 1550 and 1643 hours on 5 March 1999 United States and British aircraft penetrated Iraq's airspace in the Umm Qasr area.

10. At 0830 hours on 6 March 1999 nine formations of United States and British aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace. These aircraft included F-14s and F-15s, they were supported by an AWACS early-warning aircraft from inside Saudi airspace, and they carried out 16 sorties from Saudi airspace and 14 from Kuwaiti airspace. They overflew areas of Basrah, Dhi Qar, Muthanna and Maysan governorates and fired missiles at civilian localities and services-related sites. A number of civilian residents were killed in the bombardment. Our air defence units, acting in self-defence, engaged the aircraft and, at 0930 hours, drove them off.

11. At 0858, 0920, 0925 and 0930 hours on 6 March 1999 United States and British aircraft penetrated Iraq's airspace in the Umm Qasr area.

12. At 1125 hours on 6 March 1999 17 formations of United States and British aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. These formations included F-14s, F-15s and F-16s, and they were supported by an AWACS early-warning aircraft. They carried out 35 sorties in the Dohuk, Irbil and Ninawa areas and fired 15 projectiles at civilian localities in the Mosul district. Our air defence units, acting in self-defence, engaged the aircraft and, at 1435 hours, drove them off.

13. At 0905 hours on 6 March 1999 United States and British aircraft penetrated Iraq's airspace in the southern region and dropped a cluster bomb in the Amarah area. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

14. At 1115 hours on 8 March 1999 11 formations of United States and British aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They included F-14s, F-15s and F-18s and were supported by two early-warning aircraft, one AWACS and one E-2C, from inside Saudi airspace. These formations carried out 20 sorties from Kuwaiti airspace and 18 from Saudi airspace and overflew areas of Basrah, Maysan, Muthanna, Dhi Qar and Wasit governorates. Our air defence units, acting in self-defence, engaged the aircraft and, at 1255 hours, drove them off.

15. At 1755 hours on 8 March 1999 16 formations of United States and British aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace. They included F-14s, F-15s and F-18s and were supported by two early-warning aircraft, one AWACS and one E-2C, from inside Saudi airspace. They carried out 16 sorties from Saudi airspace and 16 from Kuwaiti airspace, overflew areas of Basrah, Muthanna, Dhi Qar and Maysan governorates and fired five projectiles at a civilian locality. Our air defence units, acting in self-defence, engaged the aircraft and, at 1900 hours, drove them off.

16. At 0950 hours on 8 March 1999 11 formations of United States and British aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They included F-14s, F-15s and F-16s and were supported by an AWACS early-warning aircraft. They overflew areas of Ninawa and Dohuk governorates and carried out 23 sorties. They bombarded several civilian localities, and a number of residents were wounded. Our air defence units, acting in self-defence, engaged the aircraft and, at 1400 hours, drove them off.

17. At 1315, 1325 and 1815 hours on 8 March 1999 United States and British aircraft penetrated Iraq's airspace in the northern and southern regions. They bombarded a number of civilian localities and fired five projectiles and four missiles. Our air defence units, acting in self-defence, engaged the aircraft and, at 1250 hours, drove them off.

18. At 1250 hours on 9 March 1999 United States and British aircraft penetrated Iraq's airspace and fired eight projectiles at a number of civilian localities in the northern region.

19. At 1130 hours on 9 March 1999 United States and British aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They included F-14s, F-15s and F-16s and were supported by an AWACS early-warning aircraft from inside Turkish territory. They overflew areas of Ninawa and Dohuk Governorates, carried out 20 sorties and fired five projectiles at a services-related site in Ninawa Governorate. A number of residents were wounded in the bombardment. Our air defence units, acting in self-defence, engaged the aircraft and, at 1335 hours, drove them off.

20. At 0850 hours on 10 March 1999 eight formations of United States and British aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. These formations included F-14s, F-16s and F-18s, and they were supported by an AWACS early-warning aircraft. They carried out two sorties from Kuwaiti airspace and 14 from Saudi airspace and overflew areas of Dhi Qar, Basrah, Maysan, Muthanna and Najaf governorates. Our air defence units, acting in self-defence, engaged the aircraft and, at 0955 hours, drove them off. At 1525 hours on the same day eight formations of United States and British aircraft coming from Saudi and Kuwaiti territory again penetrated Iraq's airspace. They included F-14s, F-15s, F-16s and F-18s, they carried out eight sorties from Kuwaiti airspace and 14 from Saudi airspace, and they were supported by two early-warning aircraft, one AWACS and one E-2C. They overflew areas of Basrah, Dhi Qar, Maysan and Muthanna governorates, and they bombarded a number of civilian localities. Several residents were killed and wounded in the bombardment. Our air defence units, acting in self-defence, engaged the aircraft and, at 1635 hours, drove them off.

21. At 1205 hours on 10 March 1999 two formations of United States and British aircraft coming from Turkish territory and supported from there by an AWACS early-warning aircraft penetrated Iraq's airspace in the northern region. These formations included F-14s, F-15s and F-16s, and they overflew areas of Ninawa, Dohuk and Irbil governorates. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

22. At 0913 hours on 11 March 1999 United States and British aircraft penetrated Iraq's airspace in the southern region in Dhi Qar and Najaf governorates and the Samawah and Ghammas areas. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

23. At 1230 hours on 12 March 1999 nine formations of United States and British aircraft coming from Turkish territory and supported from there by an AWACS early-warning aircraft penetrated Iraq's airspace in the northern region. These formations included United States F-14s, F-15s and F-16s and British Tornadoes. They carried out 18 sorties, overflew areas of Ninawa, Dohuk and Irbil governorates and fired eight projectiles at civilian installations in Ninawa Governorate. A number of residents were wounded in the bombardment. Our air defence units, acting in self-defence, engaged the aircraft and, at 1510 hours, drove them off.

24. At 1200 hours on 14 March 1999 11 formations of United States and British aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They included F-14s, F-15s and F-16s and were supported by an AWACS early-warning aircraft. They overflew areas of Ninawa and Dohuk governorates, carried out 22 sorties and bombarded a number of civilian localities and services-related sites. Several residents were wounded in the bombardment. Our air defence units, acting in self-defence, engaged the aircraft and, at 1400 hours, drove them off.

25. At 1220 hours on 14 March 1999 United States and British aircraft penetrated Iraq's airspace in the northern region and fired 11 projectiles at a civilian locality in the Mosul area. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

26. At 0925 hours on 14 March 1999 United States and British aircraft penetrated Iraq's airspace in the Hayy area.

27. At 1030 hours on 14 March 1999 United States and British aircraft penetrated Iraq's airspace in the Afak area and fired four projectiles at a civilian locality. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

28. At 1256 hours on 15 March 1999 United States and British aircraft penetrated Iraq's airspace in the northern region and fired eight projectiles at a civilian locality. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

29. At 1130 hours on 15 March 1999 eight formations of United States and British aircraft coming from Turkish territory and supported from there by an AWACS early-warning aircraft penetrated Iraq's airspace in the northern region. These formations included United States F-14s, F-15s and F-16s and British Tornadoes. They carried out 17 sorties, overflew areas of Ninawa, Dohuk and Irbil governorates and fired eight projectiles at a number of civilian localities in Ninawa Governorate. Several residents were wounded in the bombardment. Our air defence units, acting in self-defence, engaged the aircraft and, at 1435 hours, drove them off.

30. At 0850 and 1545 hours on 14 March 1999 32 formations of United States and British aircraft coming from Saudi Arabia and Kuwait penetrated Iraq's airspace. These formations included United States F-14s, F-15s and F-16s and British Tornadoes, and they were supported by two AWACS early-warning aircraft from inside Saudi and Kuwaiti airspace. They carried out 40 sorties from Kuwaiti airspace and 36 from Saudi airspace, overflew areas of Basrah, Muthanna, Najaf and Dhi Qar governorates and bombarded a services-related installation. A number of residents were wounded in the bombardment. Our air defence units, acting in self-defence, engaged the aircraft and, at 1700 hours, drove them off.

31. At 1030 hours on 15 March 1999 14 formations of United States and British aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace. These formations included F-14s, F-15s and F-18s, and they were supported by two early-warning aircraft, one AWACS and one E-2C, from inside Saudi airspace. They carried out 24 sorties from Saudi airspace and 11 from Kuwaiti airspace. They bombarded a number of services-related installations, and a number of residents were wounded in the bombardment. They overflew areas of Basrah, Dhi Qar, Maysan, Najaf and Muthanna governorates. Our air defence units, acting in self-defence, engaged the aircraft and drove them off. At 1527 hours on the same day 11 formations of United States and British aircraft coming from Saudi and Kuwaiti territory again penetrated Iraq's airspace. These formations included F-14s, F-15s and F-18s, and they were supported by two early-warning aircraft, one AWACS and one E-2C, from inside Saudi airspace. They carried out eight sorties from Saudi airspace and 18 from Kuwaiti airspace and overflew areas of Basrah, Dhi Qar, Maysan and Muthanna governorates. Our air defence units, acting in self-defence, engaged the aircraft and drove them off.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/317
24 March 1999

ORIGINAL: ENGLISH

LETTER DATED 23 MARCH 1999 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith a statement of the Federal Government of the Federal Republic of Yugoslavia relative to its decision to declare the state of imminent danger of war and a statement of the National Assembly of the Republic of Serbia relative to its decision regarding the deployment of NATO troops in the territory of the Republic of Serbia (see annexes).

I should be very grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-08370 (E) 240399

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Annex I

Statement of the Federal Republic of Yugoslavia of 23 March 1999

At its today's session, the Federal Government, in accordance with its authorities under Article 99 para 10 of the Constitution of the Federal Republic of Yugoslavia and having recognized the views of the President of the Federal Republic of Yugoslavia and of the Presidents of Chambers of the Federal Assembly, adopted the following

DECISION

to declare the state of imminent danger of war because there is a danger of aggression against the Federal Republic of Yugoslavia.

This decision is effective immediately.

The Federal Republic of Yugoslavia is exposed to NATO threats which is contrary to all norms of international law and represents a direct threat of aggression against a sovereign country such as is the Federal Republic of Yugoslavia.

The Federal Government passed this decision on the basis of the decision by the Federal Assembly, adopted at its session of 5 October 1998 and in accordance with the Constitution of the Federal Republic of Yugoslavia, the Federal Government will, once the conditions are met, inform the Federal Assembly of this decision. The Federal Government took into account the conclusions of the National Assembly of the Republic of Serbia, adopted at its session of 23 March 1999.

Annex II

Statement of the National Assembly of the Republic of Serbia
of 23 March 1999

Regarding the request to deploy NATO troops in order to implement the political Agreement on self-government in Kosovo and Metohija, which has not been reached, agreed and harmonized yet with all national communities living in Kosovo and Metohija and threats of bombing our country and people if this is rejected, **the National Assembly of the Republic of Serbia**, at its session convened on 23 March 1999, adopted the following

DECISION

1. The National Assembly of the Republic of Serbia does not accept the presence of foreign military troops in Kosovo and Metohija.

2. The National Assembly of the Republic of Serbia is ready, immediately after the signing of the political agreement on self-government which would be agreed and accepted by the representatives of all national communities living in Kosovo and Metohija, to consider the scope and character of international presence in Kosovo and Metohija with a view to implementing the Agreement reached in this way.

UNITED NATIONS **S**

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24 March 1999

ORIGINAL: ENGLISH

LETTER DATED 24 MARCH 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward, enclosed herewith, the conclusions of the National Assembly of the Yugoslav constituent Republic of Serbia relative to the report of the State delegation on the Rambouillet and Paris talks (see annex).

I should be very grateful if you would have the present letter and its annex distributed as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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Annex

Conclusions of the National Assembly of the Yugoslav constituent Republic of Serbia relative to the report of the State delegation on the Rambouillet and Paris talks

The National Assembly of the Republic of Serbia, at its session held on 23 March 1999, considered the Report of the State delegation on the Rambouillet and Paris talks and adopted the following

CONCLUSIONS

I

1. The National Assembly of the Republic of Serbia condemns in the strongest terms the threats of aggression against our country and the people as well as the build-up of NATO troops on our borders. The preparations for war and threats of aggression against our country undermine the political process for the settlement of problems in Kosovo and Metohija; make impossible the reaching of a political agreement; and represent direct support and assistance to separatists and terrorists.

2. Threats by NATO are an outright violation of the United Nations Charter and threaten the sovereignty and territorial integrity of our country. NATO tramples upon the fundamental principles of international relations, the very foundations of the international order and it constitutes a threat to international peace and security. We therefore request the Security Council to prevent violation of the UN Charter, to put immediately on its agenda the request of the Government of the Federal Republic of Yugoslavia and condemn NATO actions. We request the Organization for Security and Cooperation in Europe (OSCE) and the United Nations not to turn a blind eye to the threat of aggression and to hide by remaining silent, because in that way they will become accessory to the destruction of the generally accepted principles in international relations and to attacks on a sovereign country and a founding Member State of the United Nations. Also, we condemn the departure of the OSCE Kosovo Verification Mission. There were no reasons for this action except to put the demonstration of departure in the function of blackmail and pressures on our country.

3. We are warning NATO and all the States from the territory of which aggression against our country will be attempted that we are going to defend our territory, people and our freedom by all available means.

4. We request that the Parliaments and Governments of all Member States of the United Nations, of the OSCE and the Contact Group support the resumption of the political process and condemn threats of force and advocacy of aggression against our country.

II

1. The National Assembly of the Republic of Serbia approves the Report of the delegation designated by the Government of the Republic of Serbia to attend the talks at Rambouillet and in Paris and assesses that the delegation, by its principled and constructive stance, has done everything possible to reach a political agreement on the peaceful settlement of problems in Kosovo and Metohija.

2. The State delegation has acted in accordance with the platform formulated by the National Assembly in its Conclusions of 4 February 1999, regarding the reaching of a political agreement on a wide autonomy for Kosovo and Metohija, while ensuring full equality of all citizens and national communities, as well as the respect of the sovereignty and territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia.

III

1. We have accepted the negotiations in France, proceeding from the firm commitment of the people and of all political factors in the country to do everything possible and contribute to resolution of problems in Kosovo and Metohija peacefully and by political means, in good faith that the same is also desired by the international community and by the Contact Group which helped organize the talks.

2. In France, instead of direct negotiations and genuine efforts to reach a political agreement on substantial and large autonomy, instead of peace and political settlement, on offer were **diktat**, forgery, threats, blackmail and NATO troops.

3. The National Assembly points out with regret that the international mediators as well as the Co-Chairmen of the Rambouillet and Paris talks have not succeeded in bringing the delegation of the separatist movement to sit at the same table with the State delegation of Serbia. Therefore, there were no negotiations between the two delegations.

IV

1. The National Assembly of the Republic of Serbia notes that no political agreement was reached between the two delegations either at Ramouillet or in Paris.

2. The blame for failure of the talks in Ramouillet and Paris cannot be attributed to the Serbian State delegation, which insisted all the time on direct negotiations and on agreement. Consequently, all the blame for it rests solely with the delegation of the separatist and terrorist movement and with those who have permitted them to behave like this and to put their signatures on the text which they did not for a single moment want to discuss with the Serbian State delegation and which they eventually declared as a full agreement.

3. No agreement was reached because the Albanian separatist/terrorist delegation avoided face-to face talks as they had not given up their separatist goals; their intentions to achieve, through autonomy, "a State within a State"; to have Serbia occupied through the implementation of the political agreement; to create an ethnically pure Kosovo and Metohija through human rights and democracy; and finally, with the assistance of their sponsors, to secede Kosovo and Metohija from Serbia through an international protectorate and a referendum.

4. Additionally, agreement was not reached because the Contact Group insisted on proposals cancelling out the sovereignty and territorial integrity of the Republic of Serbia and those of the Federal Republic of Yugoslavia. The Contact Group has thus abandoned its fundamental principles established on 29 January 1999; by not defining rules of procedure and the decision-making process it created confusion during the proceedings and provided the basis for fraud and falsification of documents which had never been discussed or endorsed by the Contact Group as a whole; by encouraging pressures and threats of aggression against our country it incited separatists and terrorists, contributing to the creation of a negative atmosphere for a political agreement on peaceful solutions for problems in Kosovo and Metohija.

5. The paper signed by the Albanian separatist/terrorist delegation is not an agreement at all but their demand for a "Kosovo Republic", initialled by the sponsors backing them on this. The fake which was presented as an "agreement" is not a Contact Group document. Even some Contact Group members have dissociated themselves from it. That is a criminal act without a precedent in international legal relations and it provides an alibi for fresh threats and pressures on our country, as forced in Paris and stage-managed by the United States. As a result, the United States has openly - diplomatically, politically and militarily - sided with one party and allied the North Atlantic Alliance with the separatists and terrorists.

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V

1. The National Assembly of the Republic of Serbia assesses that the Agreement proposed and signed by our State delegation has made a crucial contribution to the political process of seeking solutions to problems in Kosovo and Metohija by peaceful means. The signatures of the members of our delegation representing all national communities living in Kosovo and Metohija - Serbs, Montenegrins, Muslims, Turks, Roma, Goranies, Egyptians - as well as the Albanian political parties wanting common life in equality confirmed the substantial importance and value of that document.

2. This agreement is fully along the lines of the Contact Group principles; it ensures an extensive autonomy in Kosovo and Metohija within the borders of Serbia and the Federal Republic of Yugoslavia; it guarantees the sovereignty and territorial integrity of the Republic of Serbia and the FR of Yugoslavia, full equality of citizens and all national communities, as well as the immediate establishment of viable democratic institutions and the bodies for making decisions on an equal basis without any one side being overruled by another; it ensures that there is no independent Kosovo and Metohija or a third Republic. That agreement reaffirms the commitment to a peaceful common life and a safe future for all, i.e. a multi-ethnic and multi-religious Kosovo and Metohija.

3. The National Assembly of the Republic of Serbia submits to the Parliaments of all UN Member States the Agreement on self-governance in Kosovo and Metohija to assess the extent and type of the autonomy that the Republic of Serbia guarantees to Albanians, Serbs, Montenegrins, Muslims, Roma, Turks, Goranies and Egyptians living in Kosmet, and calls on them to comment on the democratic dispositions guaranteeing equality of the national communities in this province.

4. The National Assembly of the Republic of Serbia once again clearly states that the Republic of Serbia and the Federal Republic of Yugoslavia are still committed to a peaceful political solution of problems in Kosovo and Metohija. We reiterate the readiness of the State delegation immediately to continue direct discussions with representatives of Albanian political parties and of all other national communities. Serbia is open to a viable political agreement.

5. The National Assembly of the Republic of Serbia authorizes the State delegation to sign a political agreement on self-governance in Kosovo and Metohija to be agreed and signed by all national communities living in Kosovo and Metohija.

6. The National Assembly makes it incumbent upon the Government of the Republic of Serbia to proceed immediately to the operationalization of such agreement and to propose normative solutions so that the agreement may be implemented as soon as possible, as a guarantee of the strengthening of new structures in Kosmet, of inter-ethnic confidence-building, in preparation for a census, creation of the conditions for direct, general and secret elections for organs of power and for the overall normalization of the situation in this province.

VI

1. We commend the Parliaments, Governments, numerous political parties, scientific, cultural and educational organizations and institutions as well as many prominent intellectuals, researchers, cultural and public figures and individuals all over the world for offering to our people and our State, at this crucial moment in history, their support and for raising their voice in defence of the principles of equality of peoples and countries in international relations, and for denouncing threats of aggression against our country. All this has helped the truth about Kosovo and Metohija come out.

2. Serbia is united, determined and unflinching in defence of its freedom, independence and territory. This has been proved by an overwhelming support by our citizens, as demonstrated at many rallies and meetings both in the country and among the expatriate communities abroad. The National Assembly understands the unity of the people as support to the State authorities to persist in their policy and as a resolute request by the people for the freedom, independence, honour and dignity of our State to be defended, and as an obligation for the competent authorities to take necessary steps and act accordingly.

3. The National Assembly expresses the determination of Serbia to reach a rapid, peaceful and political agreement and to have law and justice silence power and injustice. At the same time, the National Assembly expresses its unity in the determination to defend Serbia and the Federal Republic of Yugoslavia from any aggressor, whoever he may be and regardless of the motives used to justify his crime.

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S/1999/319
24 March 1999

ORIGINAL: ENGLISH

LETTER DATED 23 MARCH 1999 FROM THE PERMANENT REPRESENTATIVE OF ROMANIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw your attention to the joint statement of the Ministers for Foreign Affairs of the Countries of South-Eastern Europe Cooperation (SEEC) on Kosovo, issued following their meeting in Bucharest on 19 March 1999 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Ion GORITA
Ambassador Extraordinary
and Plenipotentiary

99-08394 (E) 240399

Annex

Joint statement made in Bucharest on 19 March 1999 by the Ministers for Foreign Affairs of the Countries of South-Eastern Europe Cooperation

The Ministers for Foreign Affairs of the Countries of South-Eastern Europe Cooperation (SEEC), Mr. Andrei Plesu, Mr. Ismail Cern, Mr. Aleksandar Dimitrov, Mrs. Nadezhda Mihaylova, Mr. Georgios Papandreou, met in Bucharest on 19 March 1999 at the invitation of the Minister for Foreign Affairs of Romania, who is currently hosting the South-Eastern European Cooperation and expressed their deep concern about the ongoing conflict in Kosovo that carries the risk of spillover effects, thus endangering peace and stability in our region. They considered the deteriorating humanitarian situation and the consequences that can be caused by the new waves of refugees into the neighbouring countries.

At this critical moment, the Ministers underlined the utmost importance of restraint on the part of both sides and called for the immediate cessation of hostilities. The latest build-up of troops in Kosovo by the Federal Republic of Yugoslavia has added to the gravity of the situation. Existing agreements in that regard should be fully respected.

The Ministers reaffirmed their commitment to the immediate peaceful settlement of the Kosovo crisis on the basis of substantial autonomy for Kosovo, in full respect for the sovereignty and the territorial integrity of the Federal Republic of Yugoslavia. They appealed to the parties concerned to ensure the fullest possible protection of the rights of all inhabitants, citizens, national minorities and ethnic communities, in accordance with the relevant international norms and principles.

The Ministers reiterated their full support to the efforts of the international community for the political settlement of the Kosovo crisis. They reconfirmed their commitment to contribute alongside the efforts of the Contact Group, the North Atlantic Treaty Organization, the European Union and the Organization for Security and Cooperation in Europe to a viable, peaceful solution as a prerequisite for peace and stability in Kosovo, as well as in the whole region in compliance with the relevant Security Council resolutions.

Emphasizing the fact that the Paris talks may represent a last opportunity for a political settlement of the crisis, they welcomed the signing of the Interim Agreement for Peace and Self-Government in Kosovo, in its entirety, by the delegation of the Kosovar Albanians. They urged the rederal Republic of Yugoslavia also to sign the Agreement at the earliest stage. In that respect, the Ministers expressed support for an international force that would assist in the implementation of the Agreement.

The Ministers expressed their belief that the Agreement shall enable the different communities in Kosovo to promote inter-ethnic relations and coexistence that will withstand the test of time. The signing of the Rambouillet Agreement will pave the way for incorporating the Federal Republic of Yugoslavia into European and international institutions.

They considered that this solution will free the neighbouring countries from the serious negative repercussions of the current instability in the region.

The Ministers expressed their readiness to further strengthen regional cooperation and solidarity, with a view to securing peace in Kosovo, averting future crises and fostering the European identity of the whole region.

The Ministers asked the Chairman-in-Office to work on setting up a Task Force on Kosovo, which will coordinate the efforts of the SEEC countries, particularly with regard to the humanitarian issues, and activate existing mechanisms within SEEC to that end.

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24 March 1999

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LETTER DATED 24 MARCH 1999 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with Rule 2 of the Provisional Rules of Procedure of the Security Council I have the honour to request you to convene an urgent meeting of the Security Council to consider an extremely dangerous situation caused by the unilateral military action of NATO against the Federal Republic of Yugoslavia.

(Signed) Sergey LAVROV

99-08406 (E) 240399

UNITED NATIONS

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General Assembly
Security Council

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GENERAL

A/53/874
S/1999/321
24 March 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 24 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 22 March 1999 (A/53/871-S/1999/310), I have the honour to draw your attention to new and increasing violations of the national airspace of the Republic of Cyprus and of the flight information region of Nicosia by military aircraft of the Turkish Air Force, recorded on 19, 21 and 22 March 1999.

On 19 March 1999, two Turkish aircraft entered the Nicosia flight information region violating international air traffic regulations.

These aircraft violated the national airspace of the Republic of Cyprus flying over the area of Mesaoria, landing afterwards at the illegal airport of Tymbou in the occupied area of the Republic. On the evening of the same day, both aircraft departed at 1950 hours and 2135 hours, respectively, exiting towards the Ankara flight information region. Furthermore the C-160, mentioned in the violation of 18 March, departed the illegal airport 1659 hours returning to the Ankara flight information region.

On 21 March 1999, 17 military aircraft of the Turkish Air Force (12 F-16, 2 C-130, 1 C-160 and 1 CN-235, as well as one other aircraft of unknown type) entered the Nicosia flight information region violating international air traffic regulations.

The 12 F-16 violated the national airspace of the Republic of Cyprus flying over the area of Karpasia before exiting in a south-easterly direction.

The 2 C-130 and 1 C-160 violated the national airspace of the Republic of Cyprus also flying over the area of Karpasia before exiting in a south-easterly direction as well.

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The C-235 violated the national airspace of the Republic of Cyprus flying over the area of Mesaoria, landing afterwards at the illegal airport of Tymbou in the occupied area of the Republic at 1126 hours. On the afternoon of the same day, the same aircraft departed at 1621 hours, exiting towards the Ankara flight information region.

On 22 March 1999, one C-130, as well as one C-650 military aircraft of the Turkish Air Force entered the Nicosia flight information region violating international air traffic regulations.

The aircraft in question violated the national airspace of the Republic of Cyprus flying over the area of Mesaoria, landing afterwards at the illegal airport of Tymbou in the occupied area of the Republic. On the same day both aircraft departed that airport, exiting towards the Ankara flight information region.

As stated in my previous letters, these unauthorized Turkish intrusions into the Nicosia flight information region and the national airspace of the Republic of Cyprus are in violation of international air traffic rules and, simultaneously, they are in contravention of the provisions of the Security Council resolutions on Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest these new provocative acts by Turkey, which demonstrate Turkey's blatant disregard of international law, the Charter of the United Nations and all the relevant decisions of the Organization on the question of Cyprus.

I would like, once more, to underline that the present violations occurred after the adoption of Security Council resolutions 1217 (1998) and 1218 (1998) which called upon all States to respect the sovereignty and territorial integrity of the Republic of Cyprus and to refrain from any action which might prejudice that sovereignty, independence and territorial integrity. My Government expects that the Turkish side will show compliance with the provisions of these resolutions.

Such provocative actions are not conducive to reducing tension and run counter to the initiative of the Secretary-General announced on 30 September 1998, within the framework of his mission of good offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus.

Furthermore, the continuing overflights by the Turkish Air Force, as well as the presence of the Turkish military occupation forces on the island constitute the underlying causes of tension in Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) James DROUSHIOTIS
Chargé d'affaires a.i.

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Security Council

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GENERAL

S/1999/322
24 March 1999

ORIGINAL: ENGLISH

LETTER DATED 24 MARCH 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

By carrying out air strikes against military and civilian facilities, the armed forces of the North Atlantic Treaty Organization (NATO) today committed an act of aggression on the territory of the Federal Republic of Yugoslavia.

This brutal aggression of the NATO forces represents a blatant and flagrant violation of the basic principles of the Charter of the United Nations and is in direct contravention of Article 53, paragraph 1, in which it is stated that "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council".

I have been authorized by my Government to request you to convene, on the basis of Chapter VII of the Charter, an urgent meeting of the Security Council so that it may take an immediate action to condemn and to stop the NATO aggression against the Federal Republic of Yugoslavia and to protect its sovereignty and territorial integrity.

I recall that on 1 February and 17 March 1999, Zivadin Jovanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed letters to the President of the Security Council (S/1999/107 and S/1999/292), requesting the convening of an urgent session of the Council. Drawing attention in those letters to NATO's military threats, the build-up of troops and weapons at Yugoslavia's border with Macedonia and to its aggressive intentions, my country requested that, in accordance with the Charter and with its responsibility for safeguarding international peace and security, the Security Council prevent aggression against the territory of the Federal Republic of Yugoslavia.

In reply to the NATO aggression against its territory, the Federal Republic of Yugoslavia, as a sovereign and independent State and a founding member of the United Nations, has no alternative but to defend its sovereignty and territorial integrity in accordance with Article 51 of the Charter.

I should be very grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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S/1999/323
24 March 1999

ORIGINAL: ENGLISH

LETTER DATED 24 MARCH 1999 FROM THE PERMANENT REPRESENTATIVE OF BELARUS TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with the existing practice of the Security Council I have the honour to request you to convene an urgent meeting of the Security Council to consider an extremely dangerous situation caused by the unilateral military action of NATO against the Federal Republic of Yugoslavia.

(Signed) Alyaksandr SYCHOV
Ambassador
Permanent Representative

99-08418 (E) 240399

UNITED NATIONS

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General Assembly
Security Council

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GENERAL

A/53/875
S/1999/324
24 March 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 110
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-fourth year

Identical letters dated 24 March 1999 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to enclose herewith a letter from Samdech Hun Sen, Prime Minister of the Royal Government of Cambodia, dated 24 March 1999, concerning the principled position of the Royal Government of Cambodia on the issue of the trial of the Khmer Rouge leaders (see annex).

The original of the above-mentioned letter has already been handed over to Thomas Hammarberg, your Special Representative for Human Rights in Cambodia.

I should be very grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 110, and of the Security Council.

(Signed) OUCH Borith
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative

99-08466 (E) 250399

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ANNEX

Letter dated 24 March 1999 from the Prime Minister of Cambodia to the Secretary-General

Allow me to draw to your kind attention the issue of the trial of the Khmer Rouge leaders and to clarify the principled position of the Royal Government of Cambodia on this matter, as follows:

1. As explained in the aide-mémoire dated 12 March 1999 handed over to you by Foreign Minister Hor Namhong and my declaration dated 19 March 1999 (A/53/867-S/1999/298, annex), an existing national tribunal of Cambodia should take up the case to charge and convict Ta Mok and other Khmer Rouge leaders if found guilty of crimes of genocide committed in Cambodia, whose victims are the Cambodian population, according to article 33 of the Constitution of the Kingdom of Cambodia and article VI of the Convention on the Prevention and Punishment of the Crime of Genocide.

2. To ensure that the aforesaid trial by the existing national tribunal of Cambodia meets international standards, the Royal Government of Cambodia welcomes assistance in terms of legal experts from foreign countries. It is, however, up to the tribunal to determine the number of these legal experts. The Royal Government of Cambodia does not have any power to impose anything on the competent tribunal.

3. The issue of whether to try Ta Mok alone or any other Khmer Rouge leaders depends entirely on the competence of the tribunal. The Royal Government of Cambodia will not exert any influence on or interfere, in any form, in the normal proceedings of the judiciary, which will enjoy complete independence from the executive and legislative powers.

4. May I request your kindness in circulating the present letter as a document of the fifty-third session of the General Assembly.

With the above clarification, I do hope that there will be no more misleading interpretations which do not serve the cause of peace, stability, national reconciliation and justice in Cambodia.

(Signed) HUN SEN
Prime Minister

UNITED NATIONS

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Security Council

Distr.
GENERAL

S/1999/325
24 March 1999

ORIGINAL: ENGLISH

LETTER DATED 24 MARCH 1999 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a statement made by Tekeda Alemu, Vice Minister for Foreign Affairs of the Federal Democratic Republic of Ethiopia, on 22 March 1999, to the members of the Security Council, under the Arria Formula, on the conflict between Ethiopia and Eritrea (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

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Annex

Statement made on 22 March 1999 by the Vice Minister for Foreign Affairs of Ethiopia to the members of the Security Council, under the Arria Formula, on the conflict between Ethiopia and Eritrea

First of all I wish to thank you, Mr. Chairman, for making this meeting possible and for the opportunity given to me to address you on a crisis that has been a source of concern for the Security Council over the past nine months - a crisis which was imposed on Ethiopia by Eritrea.

Today I am standing before you - an official of a country that has been a victim of aggression - a country which, after an aggression was committed against it, made for nine months all the necessary effort, despite the frustrations, the humiliation and the lack of seriousness on the part of the aggressor country, to contribute to the peaceful resolution of the crisis.

I would like to walk you, very swiftly, through the various difficult stages we have had to pass through to get where we are today in the crisis between Ethiopia and Eritrea. You would see how much effort we have made for peace and to avert a full-scale war between Ethiopia and Eritrea and how, on the other hand, Eritrea, during this same period, had closed all doors to peace and how arrogance, intransigence and hubris epitomized the Eritrean approach to the various opportunities made available for both of us to resolve the problem peacefully. I am sure you will agree with me that it would, indeed, be very difficult to find in recent history a country which has been a victim of aggression and whose territory has been forcibly occupied by a foreign power but which nonetheless opted for a peaceful resolution to the crisis, as Ethiopia had for such a long time when it could legitimately have exercised its right of self-defence right at the outset of the aggression.

It is probably overlooked by some that during the initial period of the crisis when word came to Addis Ababa that the Eritreans were engaged in troop build-up along the common border and had begun to move in big numbers across the border into Ethiopia, our first reaction was to try to defuse the crisis bilaterally and in face-to-face discussions with the Eritreans. All the more so because the troop build-up which I just referred to came immediately following the return to Asmara from Addis Ababa of an Eritrean delegation, led by its Defence Minister, which was in Addis Ababa precisely to discuss issues relating to our common borders within the framework of a Joint Commission which we had earlier agreed to establish. The Joint Commission had agreed to meet again in two months. It was therefore incomprehensible for Ethiopia why the Eritreans were engaging in troop reinforcements and in sending into Ethiopia their army units.

Our Prime Minister could get no help from the Eritrean President because he was nowhere to be found before the actual onset of the aggression. Our Prime Minister had to deal with their lower officials than their President. Then came the major offensive by Eritrea on 12 May 1998. Even then, we did not give up on the possibilities for handling the crisis within a bilateral framework. Accordingly, our Prime Minister again tried to reach the Eritrean President.

But to no avail. Having given the order for attacking and invading Ethiopia, the Eritrean President had left for an official visit to a neighbouring country. The reply from Asmara was that he could not be reached.

Thus, the chances for bilateral efforts to avert the crisis from escalating were lost, deliberately on the part of Eritreans and for no lack of effort, to the point of desperation, on the part of Ethiopia.

It was at this point that it became necessary for our Government to inform the Ethiopian people and our parliament. This also coincided with approaches made to the two parties by mutual friends to help resolve the crisis. Upon the mutual consent of both Ethiopia and Eritrea, the United States and Rwanda made their good offices available, eventually coming up with a peace proposal which demanded, among other things, Eritrean withdrawal from occupied Ethiopian territories and the restoration of the Ethiopian administration dismantled by the occupying forces. Eritrea rejected this peace plan, and going beyond the rejection of the peace proposal, went into a name-calling campaign to discredit the facilitators. The United States-Rwandan peace proposal thus floundered as a result of Eritrean intransigence. As the Eritreans were rejecting this first peace initiative they were also making it known that they would be more comfortable with the Organization of African Unity (OAU) taking over the responsibility.

But when the OAU summit, on 10 June 1998, adopted a resolution endorsing the call, contained in the United States-Rwandan proposal, on Eritrea to withdraw from occupied Ethiopian territories, Eritrea, again, not surprisingly rejected that specific call and agreed only to part of the resolution which provided for the setting up of an OAU High-level Delegation of Heads of State. Ethiopia did not insist on the implementation of the OAU summit resolution in its entirety. We agreed to start from scratch, as the High-level Delegation did subsequently - which encompassed the establishment of an expert body at ambassadorial level to verify who had administered Badme before 6 May 1998. This was made necessary because of the insistence by the Eritrean President at a meeting with the heads of State of the High-level Delegation that Badme was Eritrean and that they should not be asked to vacate their own sovereign territory.

It was not easy for Ethiopia to agree to a proposal by the OAU Heads of State for an investigation into whether a part of our country which had been forcibly occupied was really ours. But insofar as we were determined to avert war, we had no other choice. And the respect we have for OAU made it necessary for us, though painful, to accept the proposal on the carrying out of an investigation into who had administered Badme before 6 May 1998.

The result of the OAU investigation was unambiguous and the documentary evidence put at the disposal of OAU by Ethiopia could have led to no other conclusion but that the area was under Ethiopian administration.

It was on the basis of that finding at an expert level that finally the OAU High-level Delegation put on the table its peace proposal, widely known as the Framework Agreement, at its meeting on 7 and 8 November 1998 in Ouagadougou. The Eritreans knew prior to this meeting about the OAU conclusion and its

findings because the result of the work of the Ambassadorial Committee had already been presented to the two parties in August at a meeting at ministerial level. Accordingly, there was no stone left unturned by Eritrea, between August and November, to discredit the OAU Secretary-General and some members of the High-level Delegation, most particularly Djibouti, and all these designed to wreck the peace process. But Eritrea did not succeed. The OAU Framework Agreement was thus put on the table on 8 November 1998. Ethiopia accepted the peace proposal immediately but Eritrea could not even acknowledge the existence of a peace proposal, proceeding to call the peace plan talking points until the December summit of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, which endorsed the Framework Agreement.

Subsequent weeks, following the December summit of the OAU Central Organ, were dominated by talks about the clarifications demanded by Eritrea from OAU - clarifications which consisted of over 30 questions, including a query on the mandate of the Central Organ and the geographical location of Badme.

It was absolutely clear that the Eritrean authorities were not willing to withdraw from Badme and other occupied Ethiopian territories. For Ethiopia it was very obvious that the Eritrean President's unavailability for discussion at the beginning of the crisis, the fig leaf used to reject the United States-Rwandan proposal, the insistence to the OAU High-level Delegation that the occupied territories belonged to Eritrea and when this was clarified the request that OAU provide clarifications and the insults hurled at various facilitators throughout this crisis were all part of a larger Eritrean scheme linked to its refusal to withdraw from occupied Ethiopian land.

Ethiopia had been consistent in its position in the course of this crisis. Most of all, it has been extremely consistent regarding two things - its full commitment to a peaceful resolution of the crisis and to the principled demand that aggression not be rewarded and accordingly that negotiations to resolve the border dispute between the two countries must commence only following Eritrean withdrawal from occupied Ethiopian territory. Ethiopia accepted both the United States-Rwandan peace proposal and the OAU Framework Agreement precisely because both did not provide for aggression to be rewarded. The OAU Framework in particular has left no ambiguities in this regard. Paragraph 3 of the proposal makes it abundantly clear that the withdrawal of Eritrean forces from occupied Ethiopian territory is essential "in order to create conditions conducive to a comprehensive and lasting settlement of the conflict through the delimitation and demarcation of the border". Nor has the clarification given to our Prime Minister in November last year before Ethiopia's acceptance of the Framework left any doubt in this regard. The OAU Framework Agreement is thus based on a clear and unambiguous understanding of the position that Eritrea's withdrawal from occupied Ethiopian territories is a <u>sine qua non</u> for a comprehensive and lasting settlement of the conflict through subsequent delimitation and demarcation of the border.

Obviously, since the Eritrean occupying troops were driven out of Badme and their purported acceptance of the Framework Agreement following that defeat, the Eritrean authorities have managed to create some confusion over what the OAU

and that what they were requested by OAU was to withdraw only from part of the occupied Ethiopian territories. This makes no sense either legally or logically.

But this only shows that the Eritrean "acceptance" of the Framework Agreement was bogus and tactical, designed to buy time. It would indeed be sad if the Security Council proceeded to create the impression that what took place in Badme between 23 and 26 February 1999 was in compliance with what is provided for by the OAU Framework Agreement. What took place was the routing of the Eritrean army at great sacrifice on the part of those Ethiopian patriots who fought for their honour and dignity against an aggressor who had earlier refused for nine months to leave Ethiopian territory.

There is no doubt many lives would have been saved, and it would have been possible to avoid the destruction of so much property, including Badme, which is now a ghost town, if Eritrea had agreed to give peace a chance. But it did not. Even after Badme there has not been an iota of change in the Eritrean position. Steps designed to reinforce Eritrean fortifications in still occupied Ethiopian territories continue to be speeded up. New recruitment of troops is being carried on even with faster tempo.

Under these circumstances, and given the Eritrean continuing refusal to withdraw from the rest of occupied Ethiopian territory, the conclusion is inescapable that Eritrea's so-called acceptance of the Framework Agreement is insincere and in no way reflects Eritrea's commitment to peace.

The letter from the President of Eritrea, dated 27 February 1999, addressed to the President of the Security Council [S/1999/215, annex], although welcomed and viewed by the Security Council and by some others in the international community as an acceptance of the OAU Framework Agreement, did not, thus, suggest any change of attitude on the part of the Eritrean Government, when it comes to the underlying issue of Eritrean withdrawal, which is the core element of the OAU Framework Agreement. On the contrary, it has now become clear beyond any doubt that Eritrea is hopelessly using its professed acceptance of the OAU Framework Agreement to create more confusion, by trying to hoodwink the international community into believing that its eviction by force from the Badme region of Ethiopia should relieve it from the non-negotiable obligation to withdraw from the remaining Ethiopian territories that are still under Eritrean illegal occupation.

The position of the Ethiopian Government on the cause of the conflict with Eritrea and on the conditions for its resolution has been consistent, and remains so. The conflict between Ethiopia and Eritrea is caused by the Eritrean aggression against Ethiopia and by the consequent Eritrean occupation of Ethiopian territories. As such the conflict can be peacefully resolved only with the unconditional and immediate withdrawal from the Ethiopian territories Eritrea occupied since 6 May 1998.

Under the circumstances, it is self-evident that the Security Council, as the principal organ of the United Nations entrusted with the primary

[illegible] the act of aggression by Eritrea and take the appropriate measures

against the aggressor State, Eritrea, provided for under the Charter of the United Nations.

Regrettably, however, I must submit that the Council's stand on this particular matter leaves much to be desired. In this regard, I wish to draw the attention of distinguished members of the Council to the letter from my Prime Minister addressed to the President of the Security Council on 6 March 1999 [S/1999/246, annex], in which he conveyed the sadness and deeply felt frustration of the Ethiopian people and that of his own at the treatment that Ethiopia, a victim of aggression, has received from the Security Council over the past few months.

The continued crisis between Ethiopia and Eritrea should be viewed in the light of the foregoing. In this connection, Ethiopia's legitimate right of self defence cannot be denied. Under these circumstances the call for a ceasefire by the Security Council without at the same time demanding the withdrawal by Eritrea from the remaining occupied Ethiopian territories is not only unjust but is also tantamount to denying Ethiopia its legitimate right of self-defence. It is in this light that Ethiopia's frustration should be viewed and the deep disappointment of its people understood. But still Ethiopia hopes that justice will prevail and the aggressors will not be rewarded.

Thus, while once again confirming Ethiopia's commitment to the full implementation of the OAU Framework Agreement, I wish also to take this opportunity to reiterate to the distinguished members of the Security Council the request and plea by my Prime Minister, in his letter addressed to the President of the Security Council, namely:

1. To condemn the Eritrean aggression against Ethiopia;

2. To call on Eritrea to withdraw its forces immediately and unconditionally from all remaining occupied Ethiopian territories;

3. To affirm what is clear and obvious, that Eritrea bears full responsibility for the loss of lives, for the humanitarian crisis and for the destruction of property caused by its aggression.

I should like to conclude with one or two remarks on this crisis. Until May last year, Ethiopia had one of the lowest expenditures on defence in the world, which comprised only 2 per cent of our GDP. We thought we had only one enemy - poverty. That was the battle we wanted to wage. Little did we know that our very manifest commitment to peace would make us, in the eyes of those guided by the philosophy that might makes right, vulnerable to blackmail.

Eritrea never thought that a country that has consciously avoided military build-up would have the capacity to withstand Eritrea's military onslaught. There is no delegation that has visited Eritrea over the past nine months that has not been told by the Eritrean authorities that Ethiopia had no capability to exercise its right of self-defence. Ethiopia, the Eritrean President said, was making much noise like an "empty kettle". What Eritrea continued to exhibit was a mind-boggling arrogance towards a country which it had invaded without

insisted that Eritrea should withdraw from Badme, Eritrea made fun of the request by saying in the words of its President, "Where on earth is exactly Badme? It is on the moon, the sky or in the heavens?" Six days prior to the Eritrean defeat in Badme, Eritrea was telling the European Union Troika that OAU had no monopoly over the peace process and Eritrea had no obligation to accept the Framework Agreement. This is the experience we have had with Eritrea. We have no illusion that Eritrea will withdraw from the rest of occupied Ethiopian territories unless it is compelled to do so. The Security Council has so far taken no steps in this regard. The call for a ceasefire is seen by Eritrea as a reward and as a step that would bless its aggression. This explains the latest Eritrean gambit about the so-called damage it had inflicted on Ethiopian forces. It is meant to increase pressure on Ethiopia to stop its attempt to liberate its land still under Eritrean occupation. Ethiopia has always been second to none in its respect for international law and for civilized behaviour among nations. Its due respect for the Security Council is also part of this tradition. The trust and faith that the Ethiopian people have in the United Nations have very much been undermined over the past few months. We hope and pray that this trend will be reversed and the confidence that the Ethiopian people have in the United Nations will not be considered by them as naive and misplaced, and that it will rather be renewed and revitalized. This is a great challenge we all face. I have no doubt justice will eventually prevail.

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MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

SECURITY COUNCIL
Fifty-fourth year

Letter dated 24 March 1999 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

I should like to refer to the letter dated 12 February 1999 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/53/828-S/1999/150). I refer in particular to the fourth paragraph of the letter, which was wrongly circulated under the agenda item concerning measures to eliminate international terrorism. In that regard, I should like to clarify the following points:

1. The Syrian Arab Republic condemns all acts, methods and practices of terrorism as criminal because they are directed against the lives and property of innocent persons, infringe on national sovereignty and undermine regional security. Syria also calls for genuine cooperation among all States within the framework of international law in taking the necessary steps to prevent, combat and eliminate the causes of terrorism.

2. The Syrian Arab Republic has called for the preparation of internationally agreed standards that clearly distinguish between terrorism, which must be condemned and countered, and legitimate national struggles against foreign occupation, which must be supported. Syria has called for the convening of an international conference to define terrorism, to examine its hidden causes, to prevent confusion between terrorism and national liberation struggles against foreign occupation, and to study the underlying causes of acts of violence that may arise as the result of the violation of the fundamental rights of peoples, and also as a result of misery, frustration, a sense of injustice, and despair.

3. Nothing in United Nations resolutions can undermine in any way the right of peoples to self-determination, freedom, independence and to liberate their territory from foreign occupation, since all of these rights are contained in the Charter of the United Nations. Nor is there anything that can detract from

the right of peoples to engage in a legitimate struggle to that end and to seek and receive support in accordance with the principles of the Charter, the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States, and the relevant General Assembly resolutions.

4. Israeli State terrorism, as practised against the Lebanese people, the people of Palestine and the Syrian citizens of the occupied Syrian Golan, must be vigorously condemned. Israel's record in Lebanon is a catalogue of criminal acts of terrorism that includes, for example, the Qana massacre. Israel has never ceased to carry out acts of terrorism in order to achieve its goal of extending its hegemony and intimidating the Arab people with a view to expelling them from their lands and replacing them with their own settlers, in contravention of the norms of international law and, in particular, the provisions of the fourth Geneva Convention of 1949.

5. Finally, the Israeli letter seeks to portray the Israeli State's acts of piracy, aggression, expansionism and terrorism as acts of legitimate self-defence and this at a time when the peoples of the world are beginning to regard State terrorism as one of the most dangerous forms of terrorism. Occupation and settlement are the ugliest forms of terrorist practices, and international efforts should be redoubled to combat and halt such terrorism.

I should be grateful if you would have the text of this letter circulated as a document of the General Assembly, under agenda item 155, and of the Security Council.

(Signed) Mikhail WEHBE
Ambassador
Permanent Representative

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1. The Syrian Arab Republic condemns all acts, methods and practices of terrorism as criminal because they are directed against the lives and property of innocent persons and violate national sovereignty and territorial integrity. Syria also calls for genuine cooperation among all States within the framework of international legitimacy in taking the necessary steps to prevent terrorism and to combat and eliminate its causes.

2. The Syrian Arab Republic has called for the establishment of internationally agreed standards that clearly distinguish between terrorism, which must be condemned and combated, and legitimate national struggles against foreign occupation, which must be supported. Syria was the first to call for the convening of an international conference to define terrorism, to examine its hidden causes, to prevent confusion between terrorism and the struggle of peoples for liberation from foreign occupation, and to study the underlying causes of acts of violence that may arise as the result of the violation of the fundamental rights of peoples, and also as a result of misery, frustration, a sense of injustice, and despair.

* Reissued for technical reasons.

3. Nothing in United Nations resolutions can undermine in any way the right to self-determination, freedom, independence and the liberation of territory from foreign occupation, since all of these rights are contained in the Charter of the United Nations. Nor is there anything that can detract from the right of peoples to engage in a legitimate struggle to that end and to seek and receive support in accordance with the principles of the Charter, the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States, and the relevant General Assembly resolutions.

4. The terrorism that must be vigorously condemned rather is the State terrorism perpetrated by Israel against the Lebanese people, the people of Palestine and Syrian citizens in the occupied Syrian Golan. Israel's record in Lebanon is replete with criminal acts of terrorism, including, for example, the Qana massacre. Israel has never ceased to carry out acts of terrorism in order to achieve its goals of expansionism, hegemony and terrorization of the Arab people with a view to expelling them from their lands and replacing them with its own settlers, in defiance of the norms of international law and, in particular, the provisions of the Fourth Geneva Convention of 1949.

5. Finally, the Israeli letter seeks to portray the Israeli State's acts of piracy, aggression, expansionism and terrorism as acts of legitimate self-defence and this at a time when the peoples of the world have come to regard State terrorism as one of the most dangerous forms of terrorism and, indeed, occupation and settlement as the most horrendous forms of terrorism. In this respect, international efforts should be redoubled to combat and put an end to such terrorism.

I should be grateful if you would have the text of this letter circulated as a document of the General Assembly, under agenda item 155, and of the Security Council.

(Signed) Mikhail WEHBE
Ambassador
Permanent Representative